

IDAHO REAL ESTATE COMMISSION
MEETING MINUTES
March 8, 2021

Pursuant to notice given, the meeting of the Idaho Real Estate Commission (Commission) was held at 575 E. Parkcenter Blvd., Suite 180, Boise, Idaho on Monday, March 8 at 1:00 p.m.

Commission Members Present:

Mike Gamblin, Chair, Boise
Michael James Johnston, Vice-Chair, Idaho Falls
Jill Stone, Member, Twin Falls
Kim Cooper, Member, Coeur d'Alene
Martin Espil, Public Member, Boise (Zoom)
Comprising a quorum of the Commission

Members Absent:

Staff Present:

MiChell Bird, Executive Director
Melissa Ferguson, Education & Licensing Director
Craig Boyack, Chief Investigator
Jessica Valerio, Administrative Assistant 2

Others Present:

David Wynkoop, Commission's Legal Counsel
David Hensley, Idaho REALTORS®
See attached list

Introductions:

- a. Commissioners
- b. Staff
- c. Guests

Meeting was called to order at 1:07 p.m. MT by Commission Chair Mike Gamblin.

Approval of Meeting Agenda: Motion was made by Kim Cooper to approve the March 8, 2021 amended meeting agenda. Motion carried.

Approval of Meeting Minutes: Motion was made by Jill Stone to approve the January 21, 2021 Commission meeting minutes. Motion carried.

Staff Reports:

The following reports were presented for members' review; copies of which are on file at

the Commission office:

- **Financial Report(s) - January 2021**
- **License Base Analysis**
- **Examination Statistics**
- **Complaint Summary Report**
- **Enforcement Telephone Activity Log(s) - January 2021**
- **Audit Report(s) January 2021**
- **Waiver by State Report January 2021**
- **Education & Licensing Telephone Log - January 2021**
- **New Brokers & Companies Report(s) - January 2021**

Idaho REALTORS®: Idaho REALTORS CEO, David Hensley reported membership number at 11,771. David Hensley mentioned the date for the Idaho REALTORS® Conference in October.

Executive Director's Report:

Authorizing Notice of Adoption of Temporary Rule Regarding IDAPA 24.37.01 – Motion was made by Commissioner Michael J. Johnston pursuant to Section 67-5226, Idaho Code, the Governor has found that temporary adoption of this rule is appropriate to protect the public health, safety, and welfare of the citizens of Idaho and confer a benefit on its citizens. These rules implement the duly enacted laws of the state of Idaho, provide citizens with the detailed rules and standards for complying with those laws, and assist in the orderly execution and enforcement of those laws. The expiration of these rules without due consideration and processes would undermine the public health, safety, and welfare of the citizens of Idaho and deprive them of the benefit intended by these rules. The Governor has also found that the fee(s) or charge(s) being imposed or increased is/are justified and necessary to avoid immediate danger to the agency/department/board/commission's budget, to the state budget, to necessary state functions and services, and to avoid immediate danger of a potential violation of Idaho's constitutional requirement that it balance its budget. Therefore, we are adopting this/these temporary fee rule(s) to be effective upon *sine die* of the 2021 session of the Idaho Legislature. The approval is conditional and will only become effective if the rules are not otherwise approved or rejected by the Legislature and/or not extended pursuant to the Idaho Administrative Procedure Act, including sections 67-5291 and 67-5292, Idaho Code.

Discussion on Referrals – Commissioner Kim Cooper led discussion on referrals amongst real estate agents. Discussion ensued.

Legislative & DOPL Update – Executive Director Bird gave the Commissioners and attendees an update on Legislation and DOPL.

Education & Licensing Director's Report:

Renewal Notice Process Change – Education & Licensing Director Melissa Ferguson led discussion on changes to IREC's renewal notice to licensees. Discussion ensued.

Motion was made by Commissioner Kim Cooper to approve the renewal process change. Motion carried.

Felony Exemption Policy Approval – Education & Licensing Director Melissa Ferguson led discussion on changes directed by Commissioners on the Felony Exemption portion of the Special Consideration Policy.

Motion was made by Commissioner Jill Stone to approve the policy with edits. Motion carried.

Commission-Developed End of Course Exam Review - Education & Licensing Director Melissa Ferguson led discussion on the review and update of end of course exams for broker prelicense. She recommended subject matter experts be contracted to do this work for \$500 per course.

Motion was made by Commissioner Kim Cooper to approve the recommendation. Motion carried.

Enforcement

Stipulations:

Staff vs. Carol Jean Gallegos, Case No. 20-0146: The party's Stipulation in this matter was presented for ex parte hearing and tape-recorded. Don Morse was sworn in and presented the Stipulation. No other testimony was presented. Motion was made by Commissioner Michael J. Johnston to approve the Stipulation and to enter a "Final Order" in accordance with the terms of the Stipulation.

Motion carried. A copy of the Final Order is attached hereto and made a part of these minutes.

Staff vs. The Passport Group, Inc., Case No. 20-0148: The party's Stipulation in this matter was presented for ex parte hearing and tape-recorded. Don Morse was sworn in and presented the Stipulation. No other testimony was presented. Motion was made by Commissioner Michael J. Johnston to approve the Stipulation and to enter a "Final Order" in accordance with the terms of the Stipulation. Motion carried. A copy of the Final Order is attached hereto and made a part of these minutes.

Staff vs. Dhruv Shah, Case No. 20-0147: The party's Stipulation in this matter was presented for ex parte hearing and tape-recorded. Don Morse was sworn in and presented the

Stipulation. No other testimony was presented. Motion was made by Commissioner Michael J. Johnston to approve the Stipulation and to enter a "Final Order" in accordance with the terms of the Stipulation. Motion carried. A copy of the Final Order is attached hereto and made a part of these minutes.

Staff vs. Todd Martin Stenzel, Case No. 20-0239: The party's Stipulation in this matter was presented for ex parte hearing and tape-recorded. Don Morse was sworn in and presented the Stipulation. No other testimony was presented. Motion was made by Commissioner Michael J. Johnston to approve the Stipulation and to enter a "Final Order" in accordance with the terms of the Stipulation. Motion carried. A copy of the Final Order is attached hereto and made a part of these minutes.

Staff vs. Candace Sekyere & CanDo! Property Solutions, LLC., Case No. 20-0173 and 20-0175: The party's Stipulation in this matter was presented for ex parte hearing and tape-recorded. Nathan Svevad was sworn in and presented the Stipulation. No other testimony was presented. Motion was made by Commissioner Jill Stone to approve the Stipulation and to enter a "Final Order" in accordance with the terms of the Stipulation. Motion carried. A copy of the Final Order is attached hereto and made a part of these minutes.

Probable Cause Memo #19-0218: A motion was made by Commissioner Michael J. Johnston finding the facts set forth in the memorandum of probable cause provided to them by the Executive Director, pursuant to Idaho Code 54-2058(1), are sufficient to proceed with formal action on the violations presented. Commission staff is authorized to file an administrative complaint. Commissioner Michael J. Johnston further moved that upon the initiation of any formal proceedings the Executive Director shall appoint a Hearing Officer to preside in the case, as provided by law. The Hearing Officer shall have the standard authority set forth in chapter 2 of the Commission's administrative rules, IDAPA 33.01.02.452. Further, for any hearing held, with or without a hearing officer, the Notice of Hearing shall be issued in accordance with the Commission's "Standard Form for Notice of Hearing and Scheduling Order", a copy of which shall be provided to any hearing officer upon appointment. Motion carried.

Probable Cause Memo #20-0144: A motion was made by Commissioner Michael J. Johnston finding the facts set forth in the memorandum of probable cause provided to them by the Executive Director, pursuant to Idaho Code 54-2058(1), are sufficient to proceed with formal action on the violations presented. Commission staff is authorized to file an administrative complaint. Commissioner Michael J. Johnston further moved that upon the initiation of any formal proceedings the Executive Director shall appoint a Hearing Officer to preside in the case, as provided by law. The Hearing Officer shall have the standard authority set forth in chapter 2 of the Commission's administrative rules, IDAPA 33.01.02.452. Further, for any hearing held, with or without a hearing officer, the Notice

of Hearing shall be issued in accordance with the Commission's "Standard Form for Notice of Hearing and Scheduling Order", a copy of which shall be provided to any hearing officer upon appointment. Motion carried.

Probable Cause Memo #20-0060, 20-0061, and 20-0062: A motion was made by Commissioner Michael J. Johnston finding the facts set forth in the memorandum of probable cause provided to them by the Executive Director, pursuant to Idaho Code 54-2058(1), are sufficient to proceed with formal action on the violations presented. Commission staff is authorized to file an administrative complaint. Commissioner Michael J. Johnston further moved that upon the initiation of any formal proceedings the Executive Director shall appoint a Hearing Officer to preside in the case, as provided by law. The Hearing Officer shall have the standard authority set forth in chapter 2 of the Commission's administrative rules, IDAPA 33.01.02.452. Further, for any hearing held, with or without a hearing officer, the Notice of Hearing shall be issued in accordance with the Commission's "Standard Form for Notice of Hearing and Scheduling Order", a copy of which shall be provided to any hearing officer upon appointment. Motion carried.

Executive Session: In accordance with provisions of Idaho Code (74-206(1)(b)), a motion was made by Commissioner Michael J. Johnston to adjourn to executive session. Roll was called, Michael J. Johnston, Mike Gamblin, Jill Stone, Kim Cooper, and Martin Espil voted in favor. Motion carried. No action was taken during executive session.

Regular Session: There being no further purpose for an executive session, a motion was made by Commissioner Michael J. Johnston to adjourn the executive session and return to open meeting. Motion carried.

Exemption Review #21-003: Request seeking an exemption from felony disqualification pursuant to Idaho Code 54-2012(1)(g); following discussion, review of the documents submitted, and having reviewed and considered the six factors set forth in Idaho Code Section 54-2012(1)(g)(ii), motion was made by Commissioner Michael J. Johnston to approve request for exemption. Motion carried.

Exemption Review #21-004: Request seeking an exemption from felony disqualification pursuant to Idaho Code 54-2012(1)(g); following discussion, review of the documents submitted, and having reviewed and considered the six factors set forth in Idaho Code Section 54-2012(1)(g)(ii), motion was made by Commissioner Michael J. Johnston to approve request for exemption. Motion carried.

Exemption Review #21-005: Request seeking an exemption from felony disqualification pursuant to Idaho Code 54-2012(1)(g); following discussion, review of the documents submitted, and having reviewed and considered the six factors set forth in Idaho Code

Section 54-2012(1)(g)(ii), motion was made by Commissioner Michael J. Johnston to approve request for exemption. Motion carried.

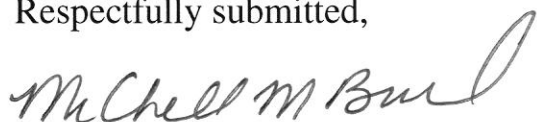
Exemption Review #21-006: Request seeking an exemption from felony disqualification pursuant to Idaho Code 54-2012(1)(g); following discussion, review of the documents submitted, and having reviewed and considered the six factors set forth in Idaho Code Section 54-2012(1)(g)(ii), motion was made by Commissioner Michael J. Johnston to approve request for exemption. Motion carried.

Exemption Review #21-007: Request seeking an exemption from felony disqualification pursuant to Idaho Code 54-2012(1)(g); following discussion, review of the documents submitted, and having reviewed and considered the six factors set forth in Idaho Code Section 54-2012(1)(g)(ii), motion was made by Commissioner Michael J. Johnston to approve request for exemption. Motion carried.

Law Workbook Project Proposal: Law Workbook proposals were reviewed. Motion was made by Commissioner Michael J. Johnston to accept proposal B and to authorize staff to enter into a contract with the proposer for this project.

There being no further business, Chair Mike Gamblin adjourned the meeting at 5:00 p.m. MT.

Respectfully submitted,



MiChell Bird
Executive Director

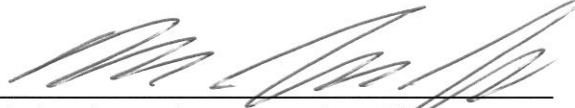
MB:jv

Attachments: Financial Report(s) January 2021
 License Base Analysis
 Examination Statistics
 Education & Licensing Telephone Log(s) January 2021
 Complaint Summary Report
 Enforcement Telephone Activity Log(s) January 2021
 Audit Report(s) January 2021
 Waiver by State Report
 New Brokers & Company Report
 Final Orders

Minutes of the Idaho Real Estate Commission meeting on March 8, 2021 are hereby approved.



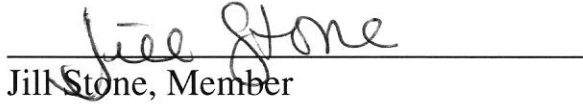
Mike Gamblin, Chair



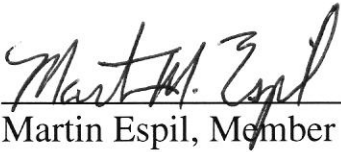
Michael J. Johnston, Vice Chair



Kim Cooper, Member



Jill Stone, Member



Martin Espil, Member

BEFORE THE IDAHO REAL ESTATE COMMISSION

STAFF OF THE IDAHO REAL
ESTATE COMMISSION,

Petitioner,

vs.

CANDACE SEKYERE and CANDO!
PROPERTY SOLUTIONS, LLC,
an Idaho corporation,

Respondent.

FINAL ORDER

On March 8, 2021, the Commission considered the parties' Stipulation wherein Respondent admitted to the following violation of the Real Estate License Law and Rules, Idaho Code:

A. § 54-2002 as defined by 54-2004 (2) (39) (a) (c) (d) & (e): No person shall engage in the business or act in the capacity of real estate broker or real estate salesperson in this state without an active Idaho real estate license therefor.

- a. Sekyere and CanDo engaged in unlicensed real estate practice by acting as dealers in options.

Having considered the Stipulation, the Commission approves the same and enters the following order of discipline in accordance therewith.

IT IS HEREBY ORDERED, as follows:

1. **Cease and Desist**

A. Respondents shall cease and desist in engaging in any of the conduct or violations set forth in this Stipulation or any other conduct violating the Idaho Real Estate License Law and Rules

2. **Fines and Fees**

A. Respondent Sekyere shall pay a **One Thousand Five Hundred Dollars (\$1,500.00) civil fine by April 7, 2021**. Respondents are jointly and severally liable for payment of this fine.

B. Respondent CanDo! Solutions, LLC shall pay a **One Thousand Five Hundred Dollars (\$1,500.00) civil fine by April 7, 2021**. Respondents are jointly and severally liable for payment of this fine.

C. Respondents shall pay **costs and attorney's fees in the amount of Six Hundred Dollars (\$600.00) by April 7, 2021**, and that in any event, all monies paid by Respondents be applied towards the costs/fees award first, before application to the fine.

D. In the event Staff agrees to accept installment payments of any fine or fees under the Stipulation, should Respondent fail to make any one payment as required by its due date, then all sums remaining unpaid shall at once become due and payable, and no further notice shall be provided. Any agreement or act by Staff to accept a late payment shall not constitute a waiver of Staff's right, upon any subsequent failure by Respondent to make a payment on time, to invoke this provision to require immediate and full payment.

E. All fines and attorney's fees are due and payable pursuant to the terms of this Order. Payments must be made directly to the Idaho Real Estate Commission by cash, check, money order or credit card, and may be hand delivered or mailed to the Idaho Real Estate Commission 575 E. Parkcenter Blvd., Ste. 180, Boise, Idaho 83706. **All payments must be received at the Commission office on or before 5:00 p.m. MST/MDT on the dates set forth above. MAKE ALL PAYMENTS TO THE**

IDAHO REAL ESTATE COMMISSION. DO NOT MAKE PAYMENT TO NAYLOR & HALES.


3. Respondent and Staff of the Idaho Real Estate Commission further agree that the Commission has authorized Staff, without further notice or action otherwise required by Idaho Code or IDAPA rules, to immediately take action authorized by the Stipulation, including but not limited to, suspending Respondent's license, or imposing the balance of any withheld discipline or civil penalty fine, in the event of failure to timely comply with any term or condition of this Order entered pursuant to the Stipulation. Notice of such action sent to the most current address provided by Respondent to Staff shall be deemed sufficient. Any license suspended under this paragraph may be reinstated by Staff upon proof of compliance with the stipulation term or condition as ordered by the Commission.

4. The Commission shall be entitled to seek an injunction or order from the district court to enforce the provisions of this Final Order without further administrative hearing in the event the Respondent fails to comply with this Final Order entered pursuant to the Stipulation.

5. The Executive Director of the Idaho Real Estate Commission shall cause a true and correct copy of this Final Order to be served on the Respondent by mailing a copy to the Respondent's last known address on file at the Commission office.

Issued this 8 day of March 2021.

FOR THE COMMISSIONERS:


Mike Gamblin, Chair

CERTIFICATE OF SERVICE


I HEREBY CERTIFY that on this 15th day of March 2021, I caused to be served, by the methods indicated, a true and correct copy of the Final Order upon:

Candace Sekyere
CanDo! Property Solutions, LLC
PO Box 2577
Idaho Falls, ID 83404

☒ U.S. Mail
☐ Email:
☐ Facsimile Transmission

Eric F. Nelson
Naylor & Hales, PC
950 W. Bannock St. Ste 610
Boise, ID 83702

☐ U.S. Mail
☒ Email:
eric@naylorhales.com
☐ Facsimile Transmission


MiChell M. Bird, Executive Director
Idaho Real Estate Commission

BEFORE THE IDAHO REAL ESTATE COMMISSION

STAFF OF THE IDAHO REAL
ESTATE COMMISSION,

Petitioner,

vs.

CAROL JEAN GALLEGOS,

Respondent.

FINAL ORDER

On March 8, 2021, the Commission considered the parties' Stipulation wherein Respondent admitted to the following violation of the Real Estate License Law and Rules, Idaho Code:

A. § 54-2053(2): All advertising of listed property shall clearly and conspicuously contain the broker's licensed business name. A new business name shall not be used or shown in advertising unless and until a proper notice of change in the business name has been approved by the commission.

- a. Gallegos advertised an Idaho property listing under a brokerage name other than the Idaho brokerage where she is licensed.

Having considered the Stipulation, the Commission approves the same and enters the following order of discipline in accordance therewith.

IT IS HEREBY ORDERED, as follows:

1. **Formal Reprimand**

A. The Commission's Order shall constitute a formal reprimand of Respondent for the actions set forth in the Stipulation.

2. **Fines and Fees**

A. Respondent shall pay a **Two Thousand Five Hundred Dollars (\$2,500.00) civil fine by April 7, 2021.**

B. Respondent shall pay **costs and attorney's fees in the amount of Six Hundred Dollars (\$600.00) by April 7, 2021**, and that in any event, all monies paid by Respondent be applied towards the costs/fees award first, before application to the fine.

C. In the event Staff agrees to accept installment payments of any fine or fees under the Stipulation, should Respondent fail to make any one payment as required by its due date, then all sums remaining unpaid shall at once become due and payable, and no further notice shall be provided. Any agreement or act by Staff to accept a late payment shall not constitute a waiver of Staff's right, upon any subsequent failure by Respondent to make a payment on time, to invoke this provision to require immediate and full payment.

D. All fines and attorney's fees are due and payable pursuant to the terms of this Order. Payments must be made directly to the Idaho Real Estate Commission by cash, check, money order or credit card, and may be hand delivered or mailed to the Idaho Real Estate Commission 575 E. Parkcenter Blvd., Ste. 180, Boise, Idaho 83706. **All payments must be received at the Commission office on or before 5:00 p.m. MST/MDT on the dates set forth above. MAKE ALL PAYMENTS TO THE IDAHO REAL ESTATE COMMISSION. DO NOT MAKE PAYMENT TO NAYLOR & HALES.**

3. **Continuing Education**

A. Respondent shall successfully complete the following Idaho real estate educational course by September 4, 2021:

- **Post License Pricing, Marketing & Adverting**

B. These course(s) shall be completed on or before 5:00 p.m. MST/MDT of the deadline day. In addition, within 48 hours of completing said course, Respondent shall be responsible for mailing/emailing/faxing (208-334-2050) a copy of the completion certificate to the Idaho Real Estate Commission, Attention: Chief Investigator. Should Respondent fail to provide Commission Staff with a completion certificate on or before the deadline, Respondent's real estate license shall be suspended pursuant to the terms of this Final Order.

C. Respondent is on notice that pursuant to Idaho Code 54-2023(5), "*No licensee shall obtain continuing education credit for education ordered by the Commission as part of a disciplinary action.*" Respondent shall not submit such Commission-ordered educational course for continuing education credit.

4. Respondent and Staff of the Idaho Real Estate Commission further agree that the Commission has authorized Staff, without further notice or action otherwise required by Idaho Code or IDAPA rules, to immediately take action authorized by the Stipulation, including but not limited to, suspending Respondent's license, or imposing the balance of any withheld discipline or civil penalty fine, in the event of failure to timely comply with any term or condition of this Order entered pursuant to the Stipulation. Notice of such action sent to the most current address provided by Respondent to Staff shall be deemed sufficient. Any license suspended under this paragraph may be reinstated by Staff upon proof of compliance with the stipulation term or condition as ordered by the Commission.

5. The Commission shall be entitled to seek an injunction or order from the district court to enforce the provisions of this Final Order without further

administrative hearing in the event the Respondent fails to comply with this Final Order entered pursuant to the Stipulation.

6. The Executive Director of the Idaho Real Estate Commission shall cause a true and correct copy of this Final Order to be served on the Respondent by mailing a copy to the Respondent's last known address on file at the Commission office.

Issued this 8 day of March 2021.

FOR THE COMMISSIONERS:

A handwritten signature in black ink, appearing to read "Mike Gamblin", written over a horizontal line.

Mike Gamblin, Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of March 2021, I caused to be served, by the methods indicated, a true and correct copy of the Final Order upon:

Carol Jean Gallegos
36 Bahama Bend
Coronado, CA 83860

 X U.S. Mail
 Email:
 Facsimile Transmission

Eric F. Nelson
Naylor & Hales, PC
950 W. Bannock St. Ste 610
Boise, ID 83702

 U.S. Mail
 X Email:
 eric@naylorhales.com
 Facsimile Transmission



MiChell M. Bird, Executive Director
Idaho Real Estate Commission

BEFORE THE IDAHO REAL ESTATE COMMISSION

STAFF OF THE IDAHO REAL
ESTATE COMMISSION,

Petitioner,

vs.

DHRUV SHAH,

Respondent.

FINAL ORDER

On March 8, 2021, the Commission considered the parties' Stipulation wherein Respondent admitted to the following violation of the Real Estate License Law and Rules, Idaho Code:

A. § 54-2002, as defined by 54-2004(39)(a), (c) and (d) and 54-2004(2): For unlicensed practice by engaging in selling, listing, buying or negotiating, or offering to sell, list, buy or negotiate the purchase, sale, option or exchange of real estate or any interest therein or business opportunity or interest therein for others, without an Idaho license.

a. Shah advertise an Idaho property listing without an Idaho license.

Having considered the Stipulation, the Commission approves the same and enters the following order of discipline in accordance therewith.

IT IS HEREBY ORDERED, as follows:

1. **Cease and Desist**

A. Respondent shall cease and desist in engaging in any of the conduct or violations set forth in this Stipulation or any other conduct violating the Idaho Real Estate License Law and Rules

2. **Fines and Fees**

A. Respondent shall pay a **One Thousand Five Hundred Dollars (\$1,500.00) civil fine by April 7, 2021.**

B. Respondent shall pay **costs and attorney's fees in the amount of Six Hundred Dollars (\$600.00) by April 7, 2021**, and that in any event, all monies paid by Respondent be applied towards the costs/fees award first, before application to the fine.

C. In the event Staff agrees to accept installment payments of any fine or fees under the Stipulation, should Respondent fail to make any one payment as required by its due date, then all sums remaining unpaid shall at once become due and payable, and no further notice shall be provided. Any agreement or act by Staff to accept a late payment shall not constitute a waiver of Staff's right, upon any subsequent failure by Respondent to make a payment on time, to invoke this provision to require immediate and full payment.

D. All fines and attorney's fees are due and payable pursuant to the terms of this Order. Payments must be made directly to the Idaho Real Estate Commission by cash, check, money order or credit card, and may be hand delivered or mailed to the Idaho Real Estate Commission 575 E. Parkcenter Blvd., Ste. 180, Boise, Idaho 83706. **All payments must be received at the Commission office on or before 5:00 p.m. MST/MDT on the dates set forth above. MAKE ALL PAYMENTS TO THE IDAHO REAL ESTATE COMMISSION. DO NOT MAKE PAYMENT TO NAYLOR & HALES.**

3. Respondent and Staff of the Idaho Real Estate Commission further agree that the Commission has authorized Staff, without further notice or action otherwise required by Idaho Code or IDAPA rules, to immediately take action authorized by the Stipulation,

including but not limited to, suspending Respondent's license, or imposing the balance of any withheld discipline or civil penalty fine, in the event of failure to timely comply with any term or condition of this Order entered pursuant to the Stipulation. Notice of such action sent to the most current address provided by Respondent to Staff shall be deemed sufficient. Any license suspended under this paragraph may be reinstated by Staff upon proof of compliance with the stipulation term or condition as ordered by the Commission.

4. The Commission shall be entitled to seek an injunction or order from the district court to enforce the provisions of this Final Order without further administrative hearing in the event the Respondent fails to comply with this Final Order entered pursuant to the Stipulation.

5. The Executive Director of the Idaho Real Estate Commission shall cause a true and correct copy of this Final Order to be served on the Respondent by mailing a copy to the Respondent's last known address on file at the Commission office.

Issued this 8 day of March 2021.

FOR THE COMMISSIONERS:



Mike Gamblin, Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of March 2021, I caused to be served, by the methods indicated, a true and correct copy of the Final Order upon:

Dhruv Shah
PO Box 3449
Yountville, CA 94599

☒ U.S. Mail
☐ Email:
☐ Facsimile Transmission

Eric F. Nelson
Naylor & Hales, PC
950 W. Bannock St. Ste 610
Boise, ID 83702

☐ U.S. Mail
☒ Email:
eric@naylorhales.com
☐ Facsimile Transmission


MiChell M. Bird, Executive Director
Idaho Real Estate Commission

BEFORE THE IDAHO REAL ESTATE COMMISSION

STAFF OF THE IDAHO REAL
ESTATE COMMISSION,

Petitioner,

vs.

THE PASSPORT GROUP, INC,

Respondent.

FINAL ORDER

On March 8, 2021, the Commission considered the parties' Stipulation wherein Respondent admitted to the following violation of the Real Estate License Law and Rules, Idaho Code:

A. § 54-2002, as defined by 54-2004(39)(a), (c) and (d) and 54-2004(2): For unlicensed practice by engaging in selling, listing, buying or negotiating, or offering to sell, list, buy or negotiate the purchase, sale, option or exchange of real estate or any interest therein or business opportunity or interest therein for others, without an Idaho license.

- a. The Passport Group advertised an Idaho property listing without an Idaho license.

B. § 54-2060(10), as defined by 54-2067: The Commission is authorized to order that any person violating any provision of this chapter cease and desist such activity immediately. Violation of the cease and desist order shall be a violation of this chapter and shall subject the person to any and all remedies available to the commission in this or other chapters of the Idaho Code.

- a. The Passport Group failed to cease and desist from engaging in the unlicensed practice of real estate in Idaho.

Having considered the Stipulation, the Commission approves the same and enters the following order of discipline in accordance therewith.

IT IS HEREBY ORDERED, as follows:

1. **Cease and Desist**

A. Respondent shall cease and desist in engaging in any of the conduct or violations set forth in this Stipulation or any other conduct violating the Idaho Real Estate License Law and Rules

2. **Fines and Fees**

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B. Respondent shall pay **costs and attorney's fees in the amount of Six Hundred Dollars (\$600.00) by April 7, 2021**, and that in any event, all monies paid by Respondent be applied towards the costs/fees award first, before application to the fine.

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Idaho Real Estate Commission 575 E. Parkcenter Blvd., Ste. 180, Boise, Idaho 83706.
All payments must be received at the Commission office on or before 5:00 p.m. MST/MDT on the dates set forth above. MAKE ALL PAYMENTS TO THE IDAHO REAL ESTATE COMMISSION. DO NOT MAKE PAYMENT TO NAYLOR & HALES.

3. Respondent and Staff of the Idaho Real Estate Commission further agree that the Commission has authorized Staff, without further notice or action otherwise required by Idaho Code or IDAPA rules, to immediately take action authorized by the Stipulation, including but not limited to, suspending Respondent's license, or imposing the balance of any withheld discipline or civil penalty fine, in the event of failure to timely comply with any term or condition of this Order entered pursuant to the Stipulation. Notice of such action sent to the most current address provided by Respondent to Staff shall be deemed sufficient. Any license suspended under this paragraph may be reinstated by Staff upon proof of compliance with the stipulation term or condition as ordered by the Commission.

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Issued this 8 day of March 2021.

FOR THE COMMISSIONERS:

A handwritten signature in black ink, appearing to read "Mike Gamblin", is written over a horizontal line.

Mike Gamblin, Chair

CERTIFICATE OF SERVICE

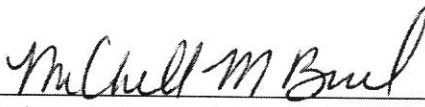
I HEREBY CERTIFY that on this 15th day of March 2021, I caused to be served, by the methods indicated, a true and correct copy of the Final Order upon:

Jeff Durham
The Passport Group, Inc.
PO Box 3449
Yountville, CA 94599

 X U.S. Mail
 Email:
 Facsimile Transmission

Eric F. Nelson
Naylor & Hales, PC
950 W. Bannock St. Ste 610
Boise, ID 83702

 U.S. Mail
 X Email:
 eric@naylorhales.com
 Facsimile Transmission


MiChell M. Bird, Executive Director
Idaho Real Estate Commission

BEFORE THE IDAHO REAL ESTATE COMMISSION

STAFF OF THE IDAHO REAL
ESTATE COMMISSION,

Petitioner,

vs.

TODD MARTIN STENZEL,

Respondent.

FINAL ORDER

On March 8, 2021, the Commission considered the parties' Stipulation wherein Respondent admitted to the following violation of the Real Estate License Law and Rules, Idaho Code:

A. § 54-2060(12): Gross negligence or reckless conduct in a regulated real estate transaction. Conduct is grossly negligent or reckless if, when taken as a whole, it is conduct which substantially fails to meet the generally accepted standard of care in the practice of real estate in Idaho.

- a. Stenzel provided buyer with misleading inspection report from a failed transaction. In turn, buyer relied upon the misleading inspection report and purchased the B Street property under the inaccurate belief that the home had a working furnace.

B. § 54-2086(1): Duties to a Customer. If a buyer, prospective buyer, or seller is not represented by a brokerage in a regulated real estate transaction, that buyer or seller remains a customer, and as such, the brokerage and its licensees are nonagents and owe the following legal duties and obligations:

1. To perform ministerial acts to assist the buyer or seller in the sale or purchase of real estate.
 2. To perform these acts with honesty, good faith, reasonable skill and care.
 3. To disclose to the buyer/customer all adverse material facts actually known or which reasonably should have been known by the licensee.
- a. Stenzel provided buyer with a misleading inspection report that buyer relied upon in purchasing property. Stenzel should have made it clear to buyer that the home's furnace was not working.

Having considered the Stipulation, the Commission approves the same and enters the following order of discipline in accordance therewith.

IT IS HEREBY ORDERED, as follows:

1. **Formal Reprimand**

A. The Commission's Order shall constitute a formal reprimand of Respondent for the actions set forth in the Stipulation.

2. **Fines and Fees**

A. Respondent shall pay a **One Thousand Dollars (\$1,000.00) civil fine by April 7, 2021.**

B. Respondent shall pay **costs and attorney's fees in the amount of Six Hundred Dollars (\$600.00) by April 7, 2021**, and that in any event, all monies paid by Respondent be applied towards the costs/fees award first, before application to the fine.

C. In the event Staff agrees to accept installment payments of any fine or fees under the Stipulation, should Respondent fail to make any one payment as required by its due date, then all sums remaining unpaid shall at once become due and payable, and no further notice shall be provided. Any agreement or act by Staff to accept a late payment shall not constitute a waiver of Staff's right, upon any subsequent failure by Respondent

to make a payment on time, to invoke this provision to require immediate and full payment.

D. All fines and attorney's fees are due and payable pursuant to the terms of this Order. Payments must be made directly to the Idaho Real Estate Commission by cash, check, money order or credit card, and may be hand delivered or mailed to the Idaho Real Estate Commission 575 E. Parkcenter Blvd., Ste. 180, Boise, Idaho 83706. **All payments must be received at the Commission office on or before 5:00 p.m. MST/MDT on the dates set forth above. MAKE ALL PAYMENTS TO THE IDAHO REAL ESTATE COMMISSION. DO NOT MAKE PAYMENT TO NAYLOR & HALES.**

3. **Continuing Education**

A. Respondent shall successfully complete the following Idaho real estate educational course by September 4, 2021:

- Agency Law
- Post License Pricing, Marketing & Adverting

B. These course(s) shall be completed on or before 5:00 p.m. MST/MDT of the deadline day. In addition, within 48 hours of completing said course, Respondent shall be responsible for mailing/emailing/faxing (208-334-2050) a copy of the completion certificate to the Idaho Real Estate Commission, Attention: Chief Investigator. Should Respondent fail to provide Commission Staff with a completion certificate on or before the deadline, Respondent's real estate license shall be suspended pursuant to the terms of this Final Order.

C. Respondent is on notice that pursuant to Idaho Code 54-2023(5), "*No licensee shall obtain continuing education credit for education ordered by the Commission as part of a disciplinary action.*" Respondent shall not submit such Commission-ordered educational course for continuing education credit.

4. Respondent and Staff of the Idaho Real Estate Commission further agree that the Commission has authorized Staff, without further notice or action otherwise required by Idaho Code or IDAPA rules, to immediately take action authorized by the Stipulation, including but not limited to, suspending Respondent's license, or imposing the balance of any withheld discipline or civil penalty fine, in the event of failure to timely comply with any term or condition of this Order entered pursuant to the Stipulation. Notice of such action sent to the most current address provided by Respondent to Staff shall be deemed sufficient. Any license suspended under this paragraph may be reinstated by Staff upon proof of compliance with the stipulation term or condition as ordered by the Commission.

5. The Commission shall be entitled to seek an injunction or order from the district court to enforce the provisions of this Final Order without further administrative hearing in the event the Respondent fails to comply with this Final Order entered pursuant to the Stipulation.

6. The Executive Director of the Idaho Real Estate Commission shall cause a true and correct copy of this Final Order to be served on the Respondent by mailing a copy to the Respondent's last known address on file at the Commission office.

Issued this 8 day of March 2021.

FOR THE COMMISSIONERS:



Mike Gamblin, Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of March 2021, I caused to be served, by the methods indicated, a true and correct copy of the Final Order upon:

Todd Martin Stenzel
PO Box 299
Grangeville, ID 83530

 X U.S. Mail
 Email:
 Facsimile Transmission

Eric F. Nelson
Naylor & Hales, PC
950 W. Bannock St. Ste 610
Boise, ID 83702

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 X Email:
 eric@naylorhales.com
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